

LEWIS  
AND  
ROCA  
LLP  
LAWYERS

E-Filed on 8/14/07

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9 Attorneys for USACM Liquidating Trust

10 **UNITED STATES BANKRUPTCY COURT**  
11 **DISTRICT OF NEVADA**

12 In re:

13 USA COMMERCIAL MORTGAGE  
14 COMPANY,  
15 USA CAPITAL REALTY ADVISORS, LLC,  
16 USA CAPITAL DIVERSIFIED TRUST  
17 DEED FUND, LLC,  
18 USA CAPITAL FIRST TRUST DEED FUND,  
19 LLC,  
20 USA SECURITIES, LLC,

Debtors.

Case Nos.:  
BK-S-06-10725-LBR  
BK-S-06-10726-LBR  
BK-S-06-10727-LBR  
BK-S-06-10728-LBR  
BK-S-06-10729-LBR

JOINTLY ADMINISTERED  
Chapter 11 Cases

Judge Linda B. Riegle Presiding

**MOTION FOR SUBSTITUTION OF  
PARTY AND COUNSEL**

Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

21 The USACM Liquidating Trust (the “USACM Trust”), respectfully requests that  
22 the USACM Trust substitute for USA Commercial Mortgage Company pursuant to  
23 § IV.D.1 of Debtors’ Third Amended Joint Plan of Reorganization as the objecting party  
24 in the Objection to Proof of Claim No. 1099 filed by Del and Ernestine Bunch [DE 2023]  
25 and Lewis and Roca LLP be substituted as Counsel for the USACM Trust, for the  
26 following reasons.

LEWIS  
AND  
ROCA  
L.L.P.  

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LAWYERS

On December 11, 2006, USA Commercial Mortgage Company by and through its counsel, filed an objection [ DE 2023] to Proof of Claim No. 1099 filed by Del and Ernestine Bunch.

On January 8, 2007, the Third Amended Plan of Reorganization was confirmed by this Court. The Plan became effective on March 12, 2007, and the USACM Liquidating Trust succeeded to the rights of USA Commercial Mortgage Company, including as to claims objections.

USACM, through its counsel Schwartzer & McPherson, stipulate to the relief requested.

Accordingly, the USACM Trust requests that the USACM Trust be substituted for USA Commercial Mortgage Company as the objecting party and the law firm of Lewis and Roca LLP, 3993 Howard Hughes Parkway, Suite 600, Las Vegas, NV 89169-5996 be substituted as counsel for the USACM Trust in place of USACM's counsel in the above-captioned matter.

DATED: August 14, 2007.

## LEWIS AND ROCA LLP

By /s/ RC (#006593)

Susan M. Freeman, AZ 4199 (pro hac vice)

Rob Charles, NV 6593

*Counsel for USACM Liquidating Trust*

LEWIS  
AND  
ROCA  
LLP  
LAWYERS

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Proof of Service

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COPY of the foregoing served via email where an email address is listed, and if no email  
address is listed, by first class mail, postage prepaid, on August 14, 2007, addressed to:

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Del and Ernestine Bunch  
1909 Red Robin Court  
Las Vegas, NV 89134-6157  
*pro se*

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7 /s/ Christine E. Laurel  
Christine E. Laurel  
8 Lewis and Roca LLP

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